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ACLU

June 11, 1984

Dear Friends:

For almost a year we have watched and studied proposed legislation (S. 1324 and H.R. 5164) which would exempt from the search and release requirements of the FOIA the "operational files" of the CIA. Our Executive Committee on June 5, 1984 voted, without opposition, to take a position against it (see attached statement) and to communicate that position to members of Congress, to the affiliates and to members of the national Board of Directors.

Mort Halperin, Director of the ACLU's National Security Project, came to our meeting on Tuesday night as well as Angus McKenzie, Director of the Media Alliance Freedom of Information Project. Much material had been circulated in advance of the meeting. After two hours of discussion, the members of our Executive Committee agreed that there was little if anything to be gained from the passage of this legislation and the possibility of suffering some severe losses was very real.

The questions raised were as follows:

1. Judicial Review - will the legislation restrict discovery and take away encouragement for an in camera inspection by a judge?
2. The Definition of Operational Files - would domestic counter-intelligence (illegal domestic spying) be exempt from search and release and therefore deny us information about illegal domestic activities by the CIA? And won't the legislation result in more and more files being designated "operational?"
3. CIA's Backlog of Requests for Information Under FOIA - aren't there better solutions to the problem of the long delays in getting information from the CIA other than creating additional exemptions under the law?

It was our feeling that we must be at the forefront of fighting anything that smacks of less openness in government and that this bill appears to do that.

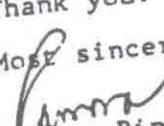
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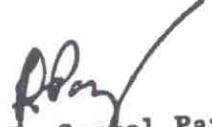
We have included in this mailing a copy of the House Bill and some background information. If you share the feeling that there are just too many important unanswered questions to support this legislation, please communicate with the members of the House of Representative's Committee on Government Operations (list included) and your own representatives in Congress. Please also suggest that the subject be placed on the agenda of the next meeting of the national Board of Directors.

Thank you.

Most sincerely,


Ramona Ripston
Executive Director

enc.


R. Samuel Paz
President